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Security Council

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Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

Note verbale dated 27 February 2009 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of the United Kingdom to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004), and has the honour to attach its report pursuant to paragraph 7 of resolution 1857 (2008) on the steps taken by the Government of the United Kingdom to implement paragraphs 1, 2, 3, 4 and 5 of resolution 1857 (2008) (see annex).

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Annex to the note verbale dated 27 February 2009 from the Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations addressed to the Chairman of the Committee

United Nations Security Council Resolution 1857 (2008): Implementation Report by the United Kingdom

Introduction

1. Please see the relevant sections below for details of how the UK has implemented the measures in paragraphs 1, 2, 3, 4 and 5 of resolution 1857 (2008) within the UK's legal and administrative structure. The responsible Government department in the United Kingdom, the Foreign and Commonwealth Office, will ensure that details of individuals and entities designated with respect to these measures are transmitted to appr[illegible] government departments and posts overseas.

Assets Freeze

2. HM Treasury is responsible for implementing financial sanctions within the United Kingdom. The financial sanctions elements of sanctions on the Democratic Republic of Congo (DRC) are implemented through secondary legislation – in particular The Democratic Republic of Congo (United Nations Measures) Order 2005 (SI 2005/1517).
3. The UK maintains a dedicated Financial Sanctions area on the HM Treasury website. The pages include consolidated lists of individuals and entities subject to financial sanctions regimes currently in operation in the UK – both summary lists and lists for each separate financial sanctions regime. The pages are updated whenever changes are made either to a financial sanctions regime or to the targets of a regime. Notices are published on the website providing guidance on the requirements of Sanctions and drawing attention to any changes in targets. In addition, HM Treasury email updates to approximately 6,500 subscribers each time a new notice is added to the website and the list of targets is updated.

Travel Restrictions

4. The UK is applying a full travel ban on those persons named in the list of individuals subject to the measures imposed by paragraph 13 of Security Council resolution 1596 (2005) as renewed by paragraphs 3 and 5 of resolution 1857 (2008).
5. In order to implement the travel restrictions, the UK has placed the details of the individuals onto the UK's border "watch list". UK Border Agency staff are instructed to refuse those individuals entry to or transit through the UK, unless a specific exemption has been approved.
6. If a listed person enters or transits the UK, individual procedures have been put in place to ensure that the details are passed to the Committee.

Arms Embargo

7. The export control aspects of resolution 1493 (as amended by resolution 1533 and subsequent resolutions) are implemented through the following measures:

- The Export of Goods, Transfer of Technology and Provision of Technical Assistance (Control) Order 2003;
- The Trade in Goods (Control) Order 2003;
- The Trade in Controlled Goods (Embargoed Destinations) Order 2004.

8. Resolution 1493 (2003) and its subsequent amendments have been implemented further in the UK Overseas Territories by the Democratic Republic of the Congo (Restrictive Measures) (Overseas Territories) Order 2003 and the Democratic Republic of the Congo (United Nations Sanctions) (Overseas Territories) Order 2005.

EU Measures

9. The EU implemented Resolution 1493 (2003) and its subsequent amendments through a Common Position and Regulation. The current Council Regulation (EC) No 338/2005 concerning certain restrictive measures in respect of DRC was adopted on 13 June 2005 and has been subsequently amended by Council Regulation (EC) No 1337/2007 and Council Regulation (EC) No 666/2008.
10. The EU Regulation, which is directly applicable in all EU Member States, prohibit:
    - the provision of technical assistance related to military activities directly or indirectly to a non-government entity or person operating in the territory of the DRC;
    - the provision of financing or financial assistance related to military activities for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance and other services, directly or indirectly to any non-government entity or person operating in the territory of the DRC.
11. The EU Regulation is implemented in the UK by the Export Control (Democratic Republic of Congo) Order 2005 (as amended), which provides for offences and penalties for breaches of the EU Regulation.
12. On 26 January 2009, the EU adopted Common Position 2009/66/CFSP concerning restrictive measures on the DRC. This Common Position extended the arms embargo until 30 November 2009 and introduced additional criteria for the designation of individuals or entities subject to an asset freeze or travel ban – as imposed by UNSCR 1857 (2008).

United Kingdom

27 February 2009